

Lower Oxford Township

Board of Supervisors Meeting Minutes

November 12, 2008

The Regular Meeting of the Lower Oxford Township Board of Supervisors was held at the Township Building, 220 Township Road, on Wednesday, November 12, 2008.

The following were in Attendance: Vice Chairman W. Ronald Kepler, Supervisor Ralph Cheek, Zoning Officer Deborah Kinney, Building Inspector John Coldiron, Roadmaster Steve Price, Secretary/Treasurer Sara Laganelli, and seventeen guests.

CALL TO ORDER

Vice Chairman W. Ronald Kepler called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE & MOMENT OF SILENCE

Mr. W. Ronald Kepler led the Pledge of Allegiance to the flag and asked for a moment of silence.

PUBLIC COMMENT CONCERNING ITEMS ON THE AGENDA

None.

RECOGNITION OF THOSE ASKING TO APPEAR ON THE AGENDA

William McLimans, 161 Township Road – Mr. McLimans stated that he didn't get to vote on Tuesday, November 4th. He drove by the polling place four times. His legs would not allow him to stand in line very long. He wanted to know if there should have been more voting machines or something. He asked what the boundaries were for the two precincts in the Township and who sets them. Asked how the students get to vote in the local elections? He also wanted to know the amount of the increase in voters in the East Precinct from the last Presidential Election.

At this time, Vice Chairman Kepler announced to the audience that he knew many of them were there to state their comments, questions, and complaints about what happened on voting day. He asked that everyone who wanted to speak to please state their name and address and make their comments. Mr. Kepler explained that once everyone was finished, then the Board would try their best to address all of the comments and questions.

Ronald Thomas, 115 Township Road – Mr. Thomas expressed that he was very upset that he lives so close to the Township Municipal Building and pays taxes here, but had to go to the East Precinct polling place to vote. He said there was a mob over there and the PA State Police were there when he and his wife went to attempt to vote. He and his wife never voted. He's lived in the Township for 31 years. He asked who decided where the residents voted. His wife wrote a letter to Voter Services, which they requested we attach to this letter.

Robert Battista, 149 White Doe Drive – Mr. Battista stated that he was in line in the East Precinct at 6:30 in the morning, he was the 43rd person to vote and he didn't get done until 8:10 a.m. His wife went to vote at 4:00 p.m. and she stood in line for over 6 hours before she got to vote. She was the 1,323rd person to vote. When Mr. Battista was in the building to vote in the morning he witnessed that there were only two books, one line, and two people working. The staff would only allow one person at a time to go through the line. He was upset that the Channel 6 news only interviewed the Lincoln University students for their side of the story, the never asked the residents their opinion. Mr. Battista also knew someone that voted as the 93rd person, who had gotten in line at 8:10 a.m. and they didn't get done voting until 10:50 a.m.

Bill Martin, 136 Irwin Drive – Mr. Martin stated that he waited in line to vote in the East Precinct for 4 ½ hours. He witnessed students going in the building to vote, and then coming back outside and getting

back in line with their friends. He saw soliciting and bribes outside of the polling place. There were people telling the students in line how to vote straight Democrat. Mr. Martin felt the situation was a disgrace. He said that 70% of the students didn't even know how to vote.

Alice Cullen, 50 Cullen Road – Mrs. Cullen asked if it would be possible to have only the Lincoln students vote on the college campus.

Ralph Cheek, 184 Limestone Road – Mr. Cheek said that he didn't get to vote on November 4th. He went to the East Precinct polling place three times and the line kept getting longer. As a Supervisor, he is embarrassed and apologized to everyone like him that didn't vote. He said his granddaughter waited in line from 3:00 p.m. until 10:00 p.m.

Johnny Williams, 226 Limestone Road – Mr. Williams said that the bottom line is the Election Board in the East Precinct was dragging their feet. He said voters should know how to vote when they get to the polling place and the Election Board should work to get people through the line as fast as possible.

Carol Shoemaker, 152 Roneys Corner Road – Mrs. Shoemaker asked Mr. Battista about how many workers and poll watchers were in the building when he was there in the morning. She stated that she was told there were sixteen poll watchers for the East Precinct.

The Supervisors and the audience had much discussion about what happened on voting day in the Township. They agreed that the bottom line was the Residents and Taxpayers of Lower Oxford Township were the ones that suffered. The Supervisors that were present vowed to do whatever was in their power to make sure this does not happen again. Mr. Kepler thanked everyone for coming to the meeting. He asked that the Secretary write a letter to the County Commissioners, Township Election Boards, and Committee people sharing all of the comments.

APPROVAL OF THE MINUTES

Mr. Cheek moved to approve the minutes for the regular meeting on October 8, 2008. Mr. Kepler seconded the motion. MOTION CARRIED.

TREASURER'S REPORTS

Presentation of Bills – The Secretary presented the bills that had been paid and needed to be paid for the month of October; totaling \$75,446.92 for the General Fund and \$3,441.91 for the Open Space Revenue Fund. Mr. Cheek moved to approve and pay the bills. Mr. Kepler seconded the motion. MOTION CARRIED.

Fiduciary Transfers – Mr. Kepler moved to approve the transfer of \$20,654.75 to the Master Escrow account from the three listed subaccounts to reimburse General Fund for legal and engineering expenses and to refund Brendan Dougherty as recommended by the Engineer. Mr. Cheek seconded the motion. MOTION CARRIED.

Budget Deviations – Mr. Kepler moved to adopt Resolution 2008-23 for budget deviations totaling \$2,000.00. Mr. Cheek seconded the motion. MOTION CARRIED.

CORRESPONDENCE

- ✓ Letter from Light-Heigel thanking us for the opportunity to serve the Township in the past and asking to be allowed to serve in 2009 with rates increasing at 1 1/2 %.

- ✓ Letter and Membership form from the Chester County Historic Preservation Network. Dues are \$85.00 for 2009.
- ✓ Flyer from West Chester Chamber of Commerce announcing the 29th Annual Old Fashioned Christmas Walking Tours on Friday, Dec. 5th.
- ✓ Conservation & You Fall 2008 newsletter.
- ✓ Letter announcing that Oxford & Kennett Auto Parts have merged with Parts Service Company of Strafford, PA.
- ✓ Letter from PSATS regarding a seminar on the Act 457 Pension Plans.
- ✓ PSATS News Bulletin for October 2008.
- ✓ Letter along with a contribution from the Sproul Foundation in the amount of \$1,000.00.
- ✓ Letter from the Oxford Public Library requesting funding for 2009.
- ✓ Chester County Department of Community Development 2007 year in review.
- ✓ Union Fire Co. incident listing for September 2008.
- ✓ PA State Police incident listing for October 2008.
- ✓ Information from PSC Info Group, a print & mail-out vendor from Oaks, PA.

Comments: Mr. Kepler said that the donation from the Sproul Foundation is to be used to beautify the Township. He requested that the Township use the money to put up a flag pole in Bernard Park. Mr. Kepler explained that Jane Pepple had been holding onto a plaque for Randy Sebastian for all that he did to start the park. The plaque will be placed by the new flag pole. Mr. Kepler then made the motion to approve the flag pole for the park. Mr. Cheek seconded the motion. MOTION CARRIED. The Supervisors agreed to pay the 2009 membership dues for the Chester County Historic Preservation Network.

Mr. Kepler asked for a time-out when he saw Mr. Donnie Myers enter the Board room. Mr. Kepler wanted to publicly thank Donnie Myers for helping on Election Day in the East Precinct for about eight hours in the rain. Mr. Kepler asked for Mr. Myers comments.

Donald K. Myers, 201 Dalton Road – Mr. Meyers said that he was at the polls for eight hours at the request of Ron Kepler. He said it was hectic to say the least. He broke up three fights. He saw some people actually park on the railroad tracks. He had to borrow some flares from the PA State Police.

BUILDING INSPECTOR

Mr. John Coldiron reported that he had eighteen building inspections, five plan reviews, and four electrical inspections for the month of October. Mr. Cheek moved to approve the Building Inspector's Report. Mr. Kepler seconded the motion. MOTION CARRIED.

CODE ENFORCEMENT OFFICER

Mrs. Kinney read the Building Permits & Zoning Violations Reports for October. She issued six building permits, one certificate of occupancy, and had no new zoning violations, but several are still outstanding. Mr. Kepler questioned the house in Lincoln at 216 Ashmun Ave. Mr. Coldiron said that he was out and inspected it and the house is structurally not good. He said they may need a Structural Engineer to give a report. Mr. Coldiron and Mrs. Kinney will keep on it.

Subdivisions & Land Development Plans – Mrs. Kinney presented the Board with a subdivision plan for David Sapp. She explained that the Planning Commission did not meet in October. The Sapp Subdivision was a simple add-on plan for the church. There would be no buildings. Mrs. Kinney said that

all Engineer issues had been addressed. Mr. Cheek moved to approve the Sapp Subdivision. Mr. Kepler seconded the motion. MOTION CARRIED.

Mrs. Kinney said that the Ballymeade Subdivision on Hall Road was originally going to have to do Enviroservers on several lots. However, they did some re-testing and now all 16 lots will be on-lot septic systems. Therefore, the only thing the subdivision was waiting on was the Sewage Facilities Planning Module; which will be submitted once all local agencies have approved it. Martina Moore was present in the audience to represent this subdivision. They were asking for a waiver for the road tests which are required in the subdivision. Mr. Kepler moved to grant the waiver as long as they comply with what the Township Engineer said; which was that they would have to put down 3 ½ inches of 19 mm binder ID2 and 1 ½ inches of top as well as rolled curbs.

Mr. Kepler moved to adopt Resolution 2008-24 to approve the Ballymeade Subdivision contingent upon the approval of the Sewage Facilities Planning Module and a Financial Security agreement. Mr. Cheek seconded the motion. MOTION CARRIED.

The next subdivision on the Zoning Officer's list was for Doug Burnette. Mrs. Kinney reminded the Board that at the last Supervisor's meeting they gave Mr. Burnette three options for his driveway issue. Mr. Burnette chose to build a bridge which is now reflected on the plan. Mr. Burnette will acquire all the necessary permits to build the bridge on Lot 2. Mr. Kepler moved to approve the plan. Mr. Cheek seconded the motion. MOTION CARRIED.

Mr. Kepler moved to adopt Resolution 2008-21 for a six (6) month extension to the Oxford Commons Final plan. Mr. Cheek seconded the motion. MOTION CARRIED.

Mr. Cheek moved to adopt Resolution 2008-20 for a ninety (90) day extension to the Shoppes of Lower Oxford Final plan. Mr. Kepler seconded the motion. MOTION CARRIED.

Mr. Kepler moved to approve the Code Enforcement Officer's reports. Mr. Cheek seconded the motion. MOTION CARRIED.

ENGINEER

The Secretary read the Engineer's report for October. Mr. Cheek moved to approve the Engineer's report. Mr. Kepler seconded the motion. MOTION CARRIED.

REGIONAL ACT 537 PLAN

Mr. Bob Yeatman reported that the Act 537 Plan was back to square one. There will have to be a new plan that has two parts: 0-10 years and 10-20 years. Ed Lennex is working on it. He will have a meeting with the committee members to bring everyone up-to-date. The Township will have to send a letter to DEP stating they are backing out of the original 537 plan to do the new one.

Mr. Kepler moved to approve Mr. Yeatman's report. Mr. Cheek seconded the motion. MOTION CARRIED.

ROADMASTER

The Roadmaster read his report for October. Mr. Cheek moved to approve the Roadmaster's Report. Mr. Kepler seconded the motion. MOTION CARRIED.

REGIONAL RECREATIONAL AUTHORITY

Mr. Lee Towner was absent. Marcella Peyre-Ferry was in the audience and reported that the Land Development Plan is with the East Nottingham's Planning Commission. They are waiting on their Township Engineer's comments.

OLD BUSINESS

Open Space Preservation – n/a

Comprehensive Plan – Mr. Joel Brown reported that at the last meeting they discussed natural resources. Some of the comments were accepted and others were revised. Agriculture will be on the agenda for the December 11th meeting.

Lincoln Village Sewer – Mr. Kepler moved to approve the final payment of \$40,504.64 to Tru-Line Contractors, as approved by the Township Engineer. Mr. Cheek seconded the motion. MOTION CARRIED. Mr. Kepler noted that the Solicitor is working on an agreement for the sewer as well as a Mandatory Hook-up ordinance for the December Board meeting.

NEW BUSINESS

Repeal of Per Capita Tax – Mr. Kepler noted that during the budget workshop, there had been some discussion with the Tax Collector about the per capita tax. The Oxford Area School District used to have a per capita tax and they gave our tax collector the list. Now it is impossible to keep a good list of each resident over the age of 18. The Ordinance was advertised and Mr. Kepler asked for public comment. Mr. Bob Yeatman asked if the Township had ever considered a Municipal Waste removal instead of everyone getting their own hauler. There were no other public comments. Mr. Cheek moved to adopt Ordinance 6-2008 repealing the \$5.00 Per Capita Tax. Mr. Kepler seconded the motion. MOTION CARRIED.

2009 Real Estate Tax – Mr. Cheek moved to adopt Resolution 2008-22 to increase the Real Estate Tax millage from .18 to .25 (calculated as .00025 on each dollar of assessed valuation) effective January 1, 2009. Mr. Kepler seconded the motion. MOTION CARRIED.

Recycling Request – Colerain Township had sent a letter requesting that their residents use our recycling facilities. Mr. Kepler said that he checked with SECCRA and they did not have a problem with that. Mr. Kepler asked the Secretary to send a letter to Colerain stating that their residents may bring their recycling to the Township.

Code of Ordinances – Mr. Cheek moved to sign an agreement with Keystate Publishers to update the code of ordinances by adding 19 ordinances that had been adopted since 2003. The cost is not to exceed \$900.00. Mr. Kepler seconded the motion. MOTION CARRIED.

SPCA 2009 Contract – The Secretary explained that the new 2009 SPCA contract would be \$2,597.50; a \$1,060.50 increase from 2008. Mr. Cheek moved to have the Secretary contact the SPCA for a report on the actual activity in Lower Oxford Township for 2008 as well as an explanation for the increase in costs. Mr. Kepler seconded the motion. MOTION CARRIED.

Fire Protection Contract – Mr. Cheek moved to accept and sign the 2009 Contract for Fire Protection with the Union Fire Company No. 1 in the amount of \$36,989.23. Mr. Kepler seconded the motion. MOTION CARRIED.

Building Inspections – Mr. Kepler moved to allow the applicants to choose from the following building inspection agencies: LTL Consultants, Ltd; Light-Heigel & Associates; or Municipal Solutions. Mr. Cheek seconded the motion. MOTION CARRIED.

OTHER BUSINESS

Bicycle Race – *All That is Good* Bicycle Race sent a request to use three miles in Lower Oxford Township for their race on June 13, 2009. Mr. Kepler moved to send a letter of permission to use the roads for their bicycle race as long as all necessary safety precautions are taken. Mr. Cheek seconded the motion. MOTION CARRIED.

PUBLIC COMMENTS

Mrs. Teri Dignazio – Asked if the lighting will change with the church that acquired an add-on from the Sapp Subdivision. Also wanted to know if they would be able to park all the way up into the point (of Bethel Road & 472). She wondered if the revised Oxford Commons plans were available to see.

Mr. Kepler moved to adjourn the meeting at 8:55 p.m. Mr. Cheek seconded the motion. MOTION CARRIED.

Note: Copies of all reports mentioned are available at the Lower Oxford Township Building, 220 Township Road, Oxford, PA.

Respectfully Submitted,

Sara B. Laganelli
Secretary/Treasurer